GOVERNMENT OF INDIA
MINES
LOK SABHA

UNSTARRED QUESTION NO:3679
ANSWERED ON:21.12.2015
Mining in SC/ST Areas
Rathwa Shri Ramsinh Patalyabhai

Will the Minister of MINES be pleased to state:

(a) whether the Government is permitting mining activities in the areas where Scheduled Castes and Scheduled Tribes are in majority;

(b) if so, whether any stringent rules have been prescribed by the Government for mining activities in the said areas;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

Answer

(a) to (d): Regulation of mining, including grant of mineral concessions, is governed by the provisions of the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957. While the Act does not prohibit grant of mining leases in the areas where Scheduled Castes and Scheduled Tribes are in majority, State Governments are guided by the following provisions while granting mining lease in the scheduled areas:

(i). As per section 4(k) of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas.

(ii). The Mineral (Auction) Rules, 2015 have been framed for regulating the terms and conditions, and procedure, subject to which the auction shall be conducted for grant of mineral concessions. Rule 6 and Schedule I of the said rules contain the eligibility conditions for grant of mining lease. Sub-rule (2) of rule (6) particularly concerns with the rights of tribals in the Scheduled Areas, which is as follows:

"6. Eligibility for Mining Lease.- (1) ...

(2) The State Government may having regard to article 244 and the Fifth Schedule and Sixth Schedule to the Constitution, the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996); and the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), make such amendments to Schedule I as it may deem necessary."